

REMARKS

In accordance with the foregoing, claims 1 and 7-11 are amended. No new matter is presented, and approval and entry of the amended claims are respectfully requested.

Claims 1-3 and 6-13 are pending and under consideration.

ENTRY OF AMENDMENT UNDER 37 CFR §1.116

Applicant requests entry of this Rule 116 Response because it is believed that the amendment of claims 1, and 7-10 put this application into condition for allowance and should not entail any further search by the Examiner since no new features are being added and no new issues are being raised.

Claim 1 is amended to recite that an input device includes a housing and an antenna arranged inside an upper cover --at an uppermost portion of the housing--. (See, for example, page 7, lines 25-29). Applicant respectfully submits that this amendment does not require further search since claim 11, already examined by the Examiner, also recites an input device including an upper cover and an antenna, which is located at an uppermost portion of an inside volume.

Claims 7-10 are amended to change the dependency of each of the claims from claim 5 to parent claim 1. Applicant respectfully submits that these amendments do not require further search since the Amendment filed December 5, 2003 canceled claim 5 and amended claim 1 to include the features of claim 5.

Claim 11 is amended to correct the phrase --input unit-- to read "input device." Applicant respectfully submits that correction of this formality does not require further search.

ITEMS 1-2: REJECTION OF CLAIMS 7-10 UNDER 35 U.S.C. §112, SECOND PARAGRAPH

The Examiner rejects claims 7-10 since the claims refer to claim 5 that was cancelled. Claims 7-10 are amended herein to depend on claim 1 and withdrawal of the rejection is requested.

ITEMS 3-4: REJECTION OF CLAIMS 1-3, 6 AND 11-13 UNDER 35 U.S.C. §102(E) AS BEING ANTICIPATED BY SCHNEIDER ET AL. (U.S.P. 6,356,243)

As provided in MPEP §706.02 entitled Rejection on Prior Art, anticipation requires that a single reference must teach every aspect of a claimed invention. Schneider does not support an anticipatory-type rejection by not describing features recited in the present application's independent claims.

Independent claim 1 (as amended) recites an input device including an antenna

arranged inside an upper cover at an uppermost portion of the housing. Independent claim 11 recites a wireless input device having an antenna located at an uppermost portion of an inside volume.

The Examiner contends that Schneider in FIG. 2A teaches "an antenna, which is located at an uppermost portion of the inside volume." (Action at page 4).

However, Applicant respectfully submits that the Examiner is incorrect since FIG. 2A merely shows an antenna 240 within a volume. Schneider does not teach or suggest that an antenna is inside an upper cover at an uppermost portion of a housing, or inside volume, as recited in independent claims 1 and 11, respectively.

Schneider only teaches (col. 5, lines 53-55) that a "portion of the antenna system 240b(1), 240b(2) (generally 240b) does not reside on the electronic circuit board 240." Schneider does not describe, teach or suggest any relative positioning of an antenna inside an input device.

In addition, Applicant submits that someone skilled in the art at the time of conception of the present invention would not have read Schneider to disclose or suggest an antenna position inside an upper cover at an uppermost portion of a housing, or inside volume. Schneider does not discuss any benefit of such a location that would otherwise lead someone of ordinary skill in the art to modify Schneider accordingly.

Conclusion

Since features of the independent claims 1 and 11 (both as amended), and respective dependent claims, are not described, taught or suggested by Schneider, the rejection should be withdrawn and the claims allowed.

ITEMS 5-6: REJECTION OF CLAIMS 7-10 UNDER 35 U.S.C. §103(a) OVER SCHNEIDER

Dependent claims 7-10 recite an input device that transmits information from an input part in accordance with an Amplitude Shift Keying method, a Frequency Shift Keying method, a Phase Shift Keying method, and a Spread Spectrum Communication method, respectively.

The Action concedes that Schneider does not teach methods such as Amplitude Shift Keying (ASK), Frequency Shift Keying (FSK), Phase Shift Keying (PSK) and Spread Spectrum Communication (SSC). (Action at page 5).

Nevertheless, the Examiner contends that that Schneider:

must use one of the transmitting methods sited [sic] and one is motivated to use one or the other based on environment of operation and availability of parts and cost of those parts.

(Action at page 5).

While the Examiner contention might *arguendo* provide a choice between methods if they were described, the Examiner provides no support, whatsoever, as to the contention that Schneider "must use one of the methods."

As set forth in MPEP §2143.03:

the notice of facts beyond the record which may be taken by the examiner must be "capable of such instant and unquestionable demonstration as to defy dispute.

Applicant submits that the Examiners contention that Schnieder "must use one of the methods" is not beyond dispute. Further MPEP §2143.03 sets forth:

(i)t is never appropriate to rely solely on "common knowledge" in the art without evidentiary support in the record, as the principal evidence upon which a rejection was based.

Conclusion

Applicant submit that the rejection of claims 7-10 is improperly supported, that *prima facie* obviousness is not established as features of the claims are taught or suggested by the prior art, and requests that the rejection of claims 7-10 be withdrawn.

Conclusion

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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Date: May 20, 2004

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